

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 22-CR-118-JFH

GARRIN MICHAEL THOMPSON,

Defendant.

OPINION AND ORDER

Before the Court is a sealed motion to determine Indian country as a matter of law (“Motion”) filed by the United States of America (“Government”). Dkt. No. 70. The Government seeks a determination that 1004 West Fargo Lane, Broken Arrow, Oklahoma 74012 is within the boundaries of the Muscogee (Creek) Nation. *Id.* at 1. The Government represents that defense counsel does not object to the Motion. Dkt. No. 66 at 2.¹

A “district court can find, as a matter of law, a geographic area or particular location is Indian Country, and then instruct the jury to determine factually whether the offense occurred there.” *United States v. Roberts*, 185 F.3d 1125, 1139-40 (10th Cir. 1999). The party seeking to invoke the jurisdiction of a federal court must demonstrate by a preponderance of the evidence that the case is within the Court's jurisdiction. *United States v. Bustillos*, 31 F.3d 931, 933 (10th Cir. 1994).

¹ Generally, when defense counsel does not object to an Indian country determination motion, the Court encourages the parties to consider a stipulation on the matter. However, in this case, defense counsel has not been able to make contact with his client to determine whether Defendant Garrin Michael Thompson (“Defendant”) agrees to a stipulation. Therefore, the Court proceeds to the merits of the Motion.

Here the Government submits for the Court's review three (3) maps of the Muscogee (Creek) Nation and Broken Arrow, Oklahoma, showing that 1004 West Fargo Lane, Broken Arrow, Oklahoma 74012 is within the Nation's boundaries. Dkt. No. 70-2. The Court finds this sufficient to demonstrate by a preponderance of the evidence that the location of the charged events is within Indian Country. A jury, however, will determine the factual question of whether anything of a criminal nature occurred at the 1004 West Fargo Lane address.

IT IS THEREFORE ORDERED that the motion to determine Indian country as a matter of law filed by the United States of America at Dkt. No. 70 is GRANTED.

Dated this 18th day of August 2022.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE